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(T)OP(TM)/408/2023
(ORA/15/2021/TM/CHN)

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.02.2024

CORAM

MR.JUSTICE N.SESHASAYEE

(T)OP(TM)/408/2023
(ORA/15/2021/TM/CHN)

M/s.Blue Heaven Cosmetics Pvt. Ltd.,
Mr.Avneet Singh (Authorised Signatory)
39, DLF Industrial Area, Kirti Nagar
New Delhi 110 015

... Petitioner

Vs.

1.BH Cosmetics LLC
2801, Burton Avenue, Burbank
California-91504 United States of America

2.The Registrar of Trade Marks
Trade Marks Registry
Intellectual Property Rights Building
Industrial Estate, SIDCO Road
Godown Area, G.S.T Road
Guindy, Chennai 600 032

3.Revolution Beauty Holdings Ltd.
One Advisory Limited
201, Temple Chambers, 3-7 Temple Avenue
London, Greater London
England

(Amended as per order dt.22.02.2024

in TM(A)No.12/2024 by NSSJ)

... Respondents



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PRAYER: The Transfer Original Petitions (Trade Marks) filed under Sections 47, 57, 125 of the Trade Marks Act, 1999, prays that the contents of accompanying statement of case be read herein and the impugned registration No.4200084 in class-99 (Class-03, Class-18, Class-21) be removed / rectified / expunged from the Register of Trade Marks.

For Petitioner : Mr.Arun C. Mohan
For Respondents : M/s.De penning & Depenning - R1
Mr.C.Samivel, SPC - R2

ORDER

The present petition is laid for rectification by Registrar to cancel the mark of the 1st respondent. The 1st respondent has since assigned the mark to the 3rd respondent, the 3rd respondent files a Memo dated 29.02.2024 to the effect that the 3rd respondent is no more using the said mark and has no objection for the cancellation of the mark by the 2nd respondent.

2.The Memo filed by the 3rd respondent dated 29.02.2024 is recorded and this Court now allows this petition directing the 2nd respondent to cancel the alleged mark of the 1st respondent (now that of the 3rd respondent)



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involved in this case in its register.

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3.This petition stands disposed of accordingly.

29.02.2024

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Index : yes / no

Neutral Citation : Yes / No

N.SESHASAYEE, J.

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